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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,583	01/23/2002	David Charles Brady	Brady 15-1-1-1/075903-043	7009
29391	7590	11/19/2003	EXAMINER	
BEUSSE BROWNLEE WOLTER MORA & MAIRE, P. A. 390 NORTH ORANGE AVENUE SUITE 2500 ORLANDO, FL 32801			TRAN, HIEN THI	
			ART UNIT	PAPER NUMBER
			1764	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CLO7

Office Action Summary	Application No.	Applicant(s)	
	10/055,583	BRADY ET AL.	
	Examiner	Art Unit	
	Hien Tran	1764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 7-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

Art Unit: 1764

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-6 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that claim 1 is not limited to a specific type of toxic constituent in an effluent gas whereas claim 7 is a linking claim directed to a method for the abatement of toxic constituent of effluent gases discharged during the manufacture of semiconductor device and therefore is broad enough to include a burn-wet scrubber as claimed in claims 1 and 12. This is not found persuasive because claim 1 is an apparatus claim and the apparatus as claimed in claim 1 can be used to practice another and materially different process, such as the process of manufacturing a chemical compound. With respect to claims 7 and 12, the method in each claim is independent and/or distinct

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 7-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "13, 15" (Fig. 1). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Art Unit: 1764

4. The drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the drawings to comply with CFR 1.84(p)(5), e.g. they should include the reference sign(s) mentioned in the specification and vice versa.

Specification

5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4, 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is an improper dependent claim as it fails to further limit the subject matter of the previous claims. Apparently, claim 4 merely recites process limitation and therefore is not structurally further limiting.

In claim 6, line 5 "the central wastewater treatment facility" lacks positive antecedent basis.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 1764

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Coleman et al (4,519,999).

Coleman et al disclose an apparatus comprising: a burn/wet scrubber (col. 9, line 33 to col. 10, line 37); a local waste water treatment unit 32/33/34/37 associated with the burn/wet scrubber for receiving the flow of wastewater; and a central water treatment facility 41.

Instant claims 1, 5 structurally read on the apparatus of Coleman et al.

10. Claims 1, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by the admitted prior art on pages 2-3 of the instant specification.

On pages 2-3 of the instant specification, applicants admit as prior art a system comprising: a burn/wet scrubber; a local waste water treatment unit associated with the burn/wet scrubber for receiving the flow of wastewater; and a central water treatment facility (page 2, lines 13 to page 3, line 3).

Instant claims 1, 5 structurally read on the apparatus of by the admitted prior art on pages 2-3 of the instant specification.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 1764

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al (4,519,999) or by the admitted prior art on pages 2-3 of the instant specification.

The apparatus of Coleman et al or of the prior art admitted on pages 2-3 of the instant specification is substantially the same as that of the instant claim, but is silent as to whether more than one scrubber and more than one wastewater treatment unit may be provided.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide more than one unit in the apparatus of Coleman et al or the admitted prior art on pages 2-3 of the instant specification since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

14. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coleman et al (4,519,999) or the admitted prior art on pages 2-3 of the instant specification in view of Salmen et al (6,140,130) or Filson et al (6,346,195).

The apparatus of Coleman et al or the prior art admitted on pages 2-3 of the instant specification is substantially the same as that of the instant claim, but is silent as to the specific type of wastewater treatment unit may be provided.

Art Unit: 1764

However, Salmen et al and Filson et al disclose the conventionality of using ion exchange filter in the wastewater treatment unit.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to alternately use the ion exchange filter in place of or in addition to bag filter of Coleman or the rinse column of the prior art admitted on pages 2-3 of the instant specification to ensure the complete removal of all pollutants contained in the effluent gas.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Itoh et al (4,719,088) and Imamura (5,716,428 and 6,126,906) are cited for showing state of the art.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien Tran whose telephone number is (703) 308-4253 **. The examiner can normally be reached on Tuesday-Friday from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (703) 308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.

***As of December 10, 2003, the telephone number will be changed to 571-272-1454.*

Application/Control Number: 10/055,583

Page 7

Art Unit: 1764

HT

November 17, 2003

A handwritten signature in cursive script that reads "Hien Tran".

Hien Tran
Primary Examiner
Art Unit 1764